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Appellant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re:	)	Case No. 2:15-cv-2473-JAD
	)	
LUIS BURGOS and	)	Appeal from Bankruptcy Case No.
DORIAN BURGOS	)	12-16894-MKN
	)	Chapter 11
Debtor.	)	

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JONATHAN B. GOLDSMITH, ESQ.,

Appellant,

vs.

UNITED STATES TRUSTEE,

Appellee.

**ORDER**

**STIPULATION TO EXTEND BRIEFING SCHEDULE (THIRD REQUEST)**

COMES NOW Appellant JONATHAN B. GOLDSMITH, ESQ., and Appellee UNITED STATES TRUSTEE, and hereby stipulate to and file this Stipulation to Extend Briefing Schedule ("Stipulation") pursuant to LR 6-1(b) and LR 7-1.

**1) Status of Appeal**

This proceeding was commenced on December 22, 2015, when appellant filed a notice of appeal from bankruptcy court order (1) granting Appellee's motion for disgorgement of fees pursuant to 11 U.S.C. 329 that were paid to Appellant; and (2) denying Appellant's request for allowance of fees and expenses pursuant to 11 U.S.C. 330 (Bankr. Dkt. No. 175).

1 In accordance with Fed. R. Bankr. P. 8009, Appellant filed a designation of record (Bankr.  
2 Dkt. No. 182), a statement of issues (Bankr. Dkt. No. 184), and ordered a transcript of the underlying  
3 bankruptcy proceeding (Bankr. Dkt. No. 183). Appellee filed her supplement designation of record  
4 (Bankr. Dkt. No. 189). The record on appeal was transmitted by the Bankruptcy Court on January  
5 12, 2016.

6 The parties had reached a settlement to resolve this appeal, and sought a stay of the briefing  
7 schedule which was granted. (Dkt. No. 13). Due to a dispute between the parties, a settlement did  
8 not occur. The Bankruptcy Court entered an Order on June 15, 2016 denying the motion to approve  
9 settlement agreement as having been withdrawn. On July 5, 2016, the Court entered an Order  
10 Lifting Stay and Resetting Briefing Schedule. (Dkt. No. 16).

11  
12  
13 **2) Request for 45-day extension to file Briefs**

14 a. When the briefs are initially due.

15 Currently Appellant's opening brief is due August 8, 2016. Appellee's answering brief is due  
16 within 30 days after service of the opening brief. Appellant must file and serve its reply brief within  
17 14 days after service of the answering brief.

18 b. How many extensions of time have been granted.

19 The Court previously granted two extensions of time for the briefing schedule. The first  
20 extension was granted by the Court's Order on January 20, 2016. (Dkt. No. 11). The second  
21 extension was granted by the Court's Order on February, 19 2016. (Dkt. No. 13) when the case was  
22 sent to the Bankruptcy Court on limited remand.

23 c. Reason why this extension is necessary.

24 Appellant is engaging in settlement discussions with the Debtors through their representative  
25 which the parties believe may lead to settlement on the issues under appeal. The current briefing  
26 schedule does not provide the parties sufficient time to discuss settlement, and prepare and file their  
27  
28

1 respective briefs. The parties are seeking respective 45 day extensions to the opening and answering  
2 brief due to other conflicting scheduling deadlines.

3 d. Specific amount of time requested.

4 The parties seek a 45-day extension of time that will allow Appellant until September 22, 2016  
5 to file an opening brief. Appellee's answering brief will be due within 45 days after the opening brief  
6 is due on November 7, 2016. Appellant must file and serve a reply brief within 14 days after the  
7 answering brief is due on November 21, 2016.  
8

9 **3) Conclusion**

10 Wherefore, Appellant and Appellee request that this stipulation for an extension of time to  
11 file their respective briefs as set forth above be granted.  
12

13 **IT IS SO STIPULATED.**

14 Dated: July 25, 2016

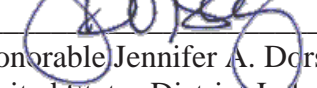
By: /s/ Jonathan B. Goldsmith  
Jonathan B. Goldsmith  
Appellant

15  
16 Dated: July 25, 2016

By: /s/ Terri H. Didion  
Terri H. Didion  
Trial Attorney for Appellee  
United States Trustee

17  
18  
19 **IT IS SO ORDERED.**

20 Dated: July 26, 2016

21 By:   
Honorable Jennifer A. Dorsey  
United States District Judge  
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